

Serial No. 10/009,027  
Office Action dated December 15, 2004

**REMARKS**

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claims 19 and 23-28 have been amended editorially. Claim 22 has been canceled without prejudice or disclaimer. No new matter has been added. Claims 19 and 23-28 are pending.

**Claim rejections - 35 U.S.C. § 112**

Claims 19 and 22-28 are rejected under 35 U.S.C. 112, second paragraph as being indefinite. Applicant respectfully traverses the rejection. Claims 19 and 23-28 have been amended taking into account the constructive criticisms raised in the rejection. Furthermore, the rejection is rendered moot with regard to claim 22, as that claim has been canceled. Withdrawal of the rejection is respectfully requested.

**Claim rejections - 35 U.S.C. § 102**

***Yamamoto et al.***

Claims 19 and 22-28 are rejected under 35 U.S.C. 102(e) as anticipated by Yamamoto et al. (US 5,411,993). Applicant respectfully traverses the rejection.

Claim 19 is directed to a viscous composition for topical application for the treatment of ulcers or superficial injuries. The composition requires glycerol as active principle and a hydroalcoholic extract of Alchemilla vulgaris as cell growth agent. The composition being osmotically active compared to blood plasma.

Serial No. 10/009,027

Office Action dated December 15, 2004

Yamamoto teaches an aqueous solution preparation which comprises azulene sodium sulfonate as active ingredient. The solution contains a polyhydric alcohol as solublizer so that that stability of azulene sodium sulfonate is maintained (col. 2, ll. 19-22 and 30-32).

Yamamoto fails to teach a composition for treatment of ulcers or superficial injuries comprising glycerol as active agent and a hydroalcoholic extract of *Alchemilla vulgaris* as cell growth agent, the composition being osmotically active compared to blood plasma as required by independent claim 19. Thus, Yamamoto fails to anticipate independent claim 19. Withdrawal of the rejection is respectfully requested.

Claims 23-28 depend from independent claim 19. For the reasons discussed above for claim 19, withdrawal of the rejection is respectfully requested. Furthermore, the rejection is rendered moot with regard to claim 22, as that claim has been canceled.

Komura et al.

Claims 19, 22-25, 27 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Komura et al. (US 4,397,944). Applicant respectfully traverses the rejection.

Komura is directed to compositions capable of evaluating dental caries activity by making use of color reaction. The composition comprises an aqueous solution containing coloring agents and water soluble substances. Komura teaches a composition to be used for diagnosis purposes, not for healing.

Komura fails to teach a composition for treatment of ulcers or superficial injuries comprising glycerol as active agent and a hydroalcoholic extract of *Alchemilla vulgaris* as cell growth agent, the composition being osmotically active compared to blood plasma as required by

Serial No. 10/009,027

Office Action dated December 15, 2004

independent claim 19. Thus, Komura fails to anticipate independent claim 19. Withdrawal of the rejection is respectfully requested.

Claims 23-25, 27 and 28 depend from independent claim 19. For the reasons discussed above for claim 19, withdrawal of the rejection is respectfully requested. Furthermore, the rejection is rendered moot with regard to claim 22, as that claim has been canceled.

**Paradies**

Claims 19, 22-24 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Paradies (US 5,133,973). Applicant respectfully traverses the rejection.

Paradies teaches a pharmaceutical preparation containing N(1)-n-alkylpyrimidinium-salts as surfactants for the use of antimetabolites. The ionic strength of the preparation is small, e.g. 0.1M (col. 52, l. 4) and therefore their activity is not related to osmotic balance.

Paradies fails to teach a composition comprising glycerol as active agent and a hydroalcoholic extract of Alchemilla vulgaris as cell growth agent, the composition being osmotically active compared to blood plasma as required by independent claim 19. Thus, Paradies fails to anticipate independent claim 19. Withdrawal of the rejection is respectfully requested.

Claims 23-24 and 27 depend from independent claim 19. For the reasons discussed above for claim 19, withdrawal of the rejection is respectfully requested. Furthermore, the rejection is rendered moot with regard to claim 22, as that claim has been canceled.

**Benita**

Serial No. 10/009,027

Office Action dated December 15, 2004

Claims 19, 22-24 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Benita et al. (US 6,656,460). Applicant respectfully traverses the rejection.

Applicant notes Benita has a 102(e) effective prior art date of November 1, 2001. The present application claims priority to PCT/FR99/01340, filed June 8, 1999. Therefore, Benita is not available as 102(e) prior art. Withdrawal of the rejection is respectfully requested.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the undersigned attorney, John J. Gresens, Reg. No. 33,112, at (612) 371-5265.

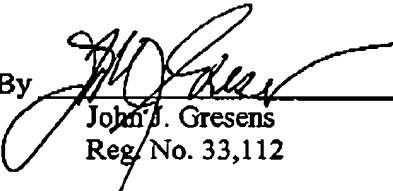


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JJG/smm

Respectfully submitted,

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By   
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